IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25204 of 2004

Between:

K.Naseeruddin S/o.Moinuddin, Hindu
Deverakonda Jr.Asst(P) (E-250077),APSRTC,
Devarakonda Bus Depot, Nalgonda District.

..... PETITIONER

AND

1 The Regional Manager APSRTC Nalgonda Region
2 The Depot Manager APSRTC Devarakonda Bus Depot, Nalgonda.
3 The Depot Manager APSRTC, Suryapet Bus Depot, Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in imposing the punishment of deferment of annual increment for a period of two years as modified by R1 herein to that of 1 year which shall have cumulative effect on petitioners future increments as illegal, arbitrary, unjust and unreasonable and violative of principles of natural justice and set aside the final order no 2/104(D40)/86-Srpt dt 23-3-87 of R3 herein and consequential order dt 24-10-1995 of R1 herein and consequential order dt 24-10-1995 of R1 herein and direct the respondents to release the deferred increments.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission, made the following :

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ORDER:

Heard both the counsel.

The petitioner questions the order dated 23.03.1987 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in S.K.MASTAN V.MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings

once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. No costs.

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31.12.2004

bsv

To

1 The Regional Manager APSRTC Nalgonda Region
2 The Depot Manager APSRTC Devarakonda Bus Depot, Nalgonda.
3 The Depot Manager APSRTC, Suryapet Bus Depot, Nalgonda District

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